



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-308134-20

Strategic Housing Development

Demolition of existing structure on site, construction of 122 no. Build to Rent shared accommodation apartments and associated site works.

Location

Site located at the junction of the R139 Road and Hole in the Wall Road, Donaghmede, Dublin 13. (www.junctionofclarehallroadandholeinthewallroadshd.ie)

Planning Authority

Dublin City Council North

Applicant

Platnum Land Ltd

Prescribed Bodies

Inland Fisheries Ireland (IFI)
Irish Aviation Authority (IAA)
Irish Water (IW)

Transport Infrastructure Ireland (TII)

Observer(s)

Aidan Jones
Alison Galliland
Aodhan O Riordain
Belwall Limited
Grange Abbey Residents Association
Grattan Hall Management CLG
John Lyons
Michael Mac Donncha
Midgard Construction Limited
Ross Hattaway
Sean Haughey
Shane Folan
Tom Brabazon

Date of Site Inspection

12th of November 2020

Inspector

Karen Hamilton

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2.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

3.0 Site Location and Description

- 3.1. The site (0.19 ha) is in Donaghmede, D13, in the northern suburbs of Dublin City. The site adjoins the junction of the Hole in the Wall Road and the R139 (Grange Road) at the Donaghmede roundabout, leading north into County Fingal. The subject site has a single storey structure and is overgrown with several mature trees around the perimeter.
- 3.2. The surrounding area is characterised by residential developments. Grattan Lodge to the north comprises of higher density housing integrating mixed use development on the lower floors. Grange Abbey located to the east and south east, comprises of suburban type semi detached dwellings. There is a range of community facilities along the Hole in the Wall Road including Father Collins Park, Trinity Sports & Leisure Club and Grange Community College. Dublin Bus routes are along the R139 to the south of the site and the Hole in the Wall is a designated Quality Bus Corridor.
- 3.3. An SHD application to the north of the site (ABP 307257-20) was refused permission for 438 no. apartments for reasons of inadequate separation distance between apartment blocks. There is an existing permission (Reg Ref 3403/18) for 225 no Built to Rent units in blocks of up to 4 storeys.

4.0 Proposed Strategic Housing Development

- 4.1. The proposed development comprises of the demolition of an existing structure, previously used as a pump station, and the construction of 122 no. shared accommodation rooms and associated site works. The proposal comprises of 110 no. double occupancy rooms and 12 no. single occupancy rooms (232 no. bed spaces in total) over 10 storeys of accommodation. Each floor contains a mix of one and two bed space rooms with separate communal facilities.

- 4.2. The building will front directly onto the Donaghmede roundabout (R139) with the highest point of 11 storeys at the corner of the site at the roundabout and the stepping down to 5 storeys along both the Hole in The Wall Road and the R139.
- 4.3. Vehicular access is proposed into the site from the south, Grange Road (R139) with pedestrian access only along the east of the site onto the Hole in the Wall Road.
- 4.4. Key Parameters

Parameter	Site Proposal
Gross Site Area	0.195ha
Open Space	Terrace (320.2m ²) Total Balcony (358.8m ²)
Units	122 no. bedrooms (12 no. single occupancy & 110 no. double occupancy)
Occupancy	Double -110 no bedroom spaces Single- 12 no. bedroom spaces
Plot ratio	2.69
Site coverage	36.89%
Density	625 units per ha (based on 122 units)
Height	5- 11 storeys (32m)
Ancillary facilities	Concierge (c. 21m ²), Laundry (c.17m ²)
Car Parking	23 no car parking spaces
Bicycle parking	184 no cycle spaces
Floor space	5,696.5m ²

5.0 Submission from the Planning Authority (PA).

- 5.1. A submission to the SHD application was received from the CE of Dublin City Council on the 03rd of November 2020 and includes a summary of the development

plan policy, relevant site history, summary of the submissions received, the opinion of the Elected Members, the interdepartmental reports and the planning assessment of the proposed development. The PA recommend a refusal based on the absence of any compelling case for the co-living accommodation model to be sited at this location. The submission has been summarised below.

5.2. Views of Elected Representatives

- The minutes from a North Central Area Committee Meeting indicated that the members had reservations over the proposed development.
- Concern was raised in relation to the height and scale of the proposal.
- The impact on the transport at the roundabout and the surrounding area will be negative.
- The site should be developed in conjunction with the adjoining site to the north.
- The co-living model is not acceptable and will not address the real housing needs.
- The removal of the mature trees at this location should be examined.
- There would be a negative impact on the residential amenity of the development in the Columban site.

5.3. Planning Assessment

Principle

- The principle of shared living is acceptable within the residential zoning.

Density

- The schemes density will be c. 625 habitable bedrooms per ha (1,189 bed spaces per ha) a plot ratio of 2.92 and site coverage 39%.
- The last permitted development on the adjoining Columban Fathers site (Reg Ref 3403/18) will have a bedspace density of c. 511 bed spaces per ha, plot ratio 1.5 and site coverage 34%.
- DCC plot ratio standards for Z1 lands in the outer region are 0.5-2.0 and site coverage of 45%-60%.

- Higher plot ratios and site coverage may be applicable in certain circumstances.
- The sites location close to a QBC, within the wider catchment of the DART station at Clongiffin and along a future Bus Corridor can support higher density.

Height

- The application has been advertised as a material contravention (Policy SC16) as the height is 11 storeys (c.34m).
- The LAP does not include any specific height objectives for this site.
- The SHD examples provided by the applicant as support for higher buildings (305316 Clongriffin, 304196 Clare Hall & 304346 Coolock Drive) are not appropriate as they differ significantly.
- The guidelines refer to the inclusion of 4 storeys alongside existing areas and it is considered the proposal should reflect the 5-storey already established on the adjoining Columban Fathers site with the potential to increase at the Donaghmede roundabout.

Layout

- The development appears shoehorned into the site.
- The development of the site should be part of the comprehensive redevelopment of the adjoining site in the interests of urban design and consolidation.
- A masterplan would be helpful even if developed independently.
- Additional montages would have been preferable.
- The elevation design and contemporary palette of materials are generally acceptable.

Landscaping (see Parks department comments below)

- Due to the size of the site there is no expanse of public open space or communal open space.
- Landscaping should be provided in the parking area.

Co- living/ shared living Concept

- The 2018 apartment Guidelines and the background for the typology are noted and detailed.
- Reference to the need to cater for particular employee needs are included with city centres being the appropriate location for such developments
- The applicants supporting justification for this housing model is noted.
- It is not considered that this site can accommodate the model, having regard to the location proximate to the city centre, the absence of any large employment campuses or hospital campuses.
- An overlay compelling case for co-living accommodation to be sited at this location in the outer city has not been submitted and the application should therefore be refused.
- There is no clarity as to the expected tenants.

Unit Mix/ Schedule of Accommodation

- The allowance for the size of accommodation as per SPPR 9 is noted.
- No kitchen facilities are provided in the rooms and it is recommended that space for a microwave or fridge is included.
- The communal area of 5.7 m² per resident is provided.

Standards

- The floor-to- ceiling heights can be achieved.

Childcare Facilities

- No childcare facilities are provided.
- Having regard to the size of the rooms, the national guidelines and the target audience of young professionals there is no specific requirement for a childcare facility.

Open Space- Amenity Space

- 64 no of the 122 no shared accommodation bedroom units (52%) are provided with external balconies and there are two communal terrace areas.

- The terrace areas are surrounded by high- sided louvered screens which may cast shadow onto spaces.
- SPPR 9 notes the relaxation of storage amenities on the basis of the provision of alternative, compensatory communal support facilities to enhance the overall standards of amenity.
- The 10 % public open space has not been provided in this instance and a contribution in lieu should be applied.

Daylight & Sunlight Impacts

- The BRE guidelines (2011) are replaced by an up to date version (2018).
- The Daylight and Sunlight analysis submitted notes 8no. fall below the guidelines VSC value of 27% and a further analysis was undertaken. This study deemed kitchen spaces less than 6.5m² as not habitable space and therefore omitted this space
- No 3rd party bedrooms were assessed in the Daylight & Sunlight Assessment Report.
- The corridors will not receive any natural light.
- The sunlight assessment is confined to the rooms which face south rather than those facing north which are unlikely to meet the recommended levels.
- The applicant notes that the sunlight for amenity spaces can meet the BRE Guidelines.

Micro-climate, Solar glaze/dazzle.

- DCC recommended at pre planning that micro-climate impacts on 3rd party sites should be assessed as wind tunnelling was of concern.
- The applicant did not consider that a microclimate analysis should accompany the application.
- It would be preferable if this was provided due to the permitted scheme to the north.

- It is recommended that the potential negative impact from solar/dazzle are discounted in relation to residential amenity and traffic safety and Dublin Airports aircraft operations (IAA comments).

Overlooking/ privacy

- It is considered the proposal will unduly overlook portions of the adjoining permitted apartment elevations located in the Columban Fathers site, Block D.
- There should be obviation measures employed along the north.
- Opaque glazing should be applied to the northern above-ground floor opes serving the northern stair well.
- It is unclear if the green strip along the ground floor is accessible from individual bedrooms.
- It is unclear what the planting buffer is and if it will provide defensible space and privacy screens.
- Balconies should be fitted with opaque glazing, and that 1.8m high dividing side screens are erected between all the southern and eastern balconies.
- It is unclear what the screening to the roof terraces will be and this should be conditioned to prevent overlooking.

Security

- There should be privacy strips along the ground floor onto the public footpaths.
- Section 3.4 of the guidelines requires Visitor areas should be well lit etc.
- The applicant considers that windows overlooking all external communal spaces will ensure natural surveillance.

Archaeology

- The applicant notes no known archaeological monuments within the boundary or within several hundred metres of the site.
- It is noted that across the road to the east, c.90m away lies Grange Abbey, a national monument.

5.4. Interdepartmental Reports

Transport Planning Department:

- There are concerns the lack of parking will lead to overspill due to the limited public transport provisions.
- The access and required sightlines can be accommodated by removing a tree.
- A Road Safety Audit in the Transport assessment recommends a left only turn onto the R139 which should be agreed prior to commencement of development.
- Any works on the public road should be agreed with DCC.
- The location of the site is not serviced sufficiently by public transport to allow the default for no parking required in the guidelines.
- The ratio of parking 0.18 per unit and the rationale for lower parking has not been demonstrated as suitable for this location.
- The type, design and security of cycle parking areas should be addressed.

Park, Biodiversity & Landscape Department:

- There are concerns in relation to the proposed development.
- The communal open space on the ground floor is not consider good quality.
- The landscape plan does not indicate the usability of the terraces.
- There is sufficient public open scape in the vicinity as adequate provision
- The public street tree (T25) should be retained.

Drainage Division:

- No objection subject to conditions relating to the surface water network.

5.5. Recommendation

It is recommended that the permission be refused as a sufficiently compelling case for the shared living model at this outer city location has not been provided in line with the objectives and requirements of the 2018 Apartment Guidelines.

5.6. Recommended Conditions

22 no conditions are recommended of which the following are of note;

C1-

- a) The height should be reduced to no more than 7 storeys with terrace.
- b) The block should be no closer than 11m to the northern boundary to allow future development.
- c) External materials not of brick should be high quality.
- d) The rear/ northerly facing opes serving bedrooms and shared living shall be redirected to look towards north east as much as possible.
- e) The north western facing communal living room opes shall be redirected towards the south west or fitted with alternative measures that avoids undue overlooking of the permitted apartments scheme to the north.
- f) The north west facing opes serving the KLD shall have high level opes or fitted with alternative measures to avoid overlooking on the permitted scheme to the north.
- g) The privacy screen for the terraces should be designed to avoid undue overlooking of future 3rd party residential elevation.
- h) The sides for all apartment's balconies/ patios are glazed should be frosted or opaque.
- i) The natural buffers or other measures should be provided so as prevent undue overlooking of proposed ground floor bedroom-apartments.
- j) That any extensive areas of blank facades shall be softened with additional screening.
- k) Any future substation/switch room should be located discreetly.
- l) The car parking areas and other landscaped areas have planting.
- m) The stacked bike racks shall be screened from public realm.

C3- A fridge should be provided in each bedroom-apartment.

C4- Only used for shared accommodation and each living suite shall be single occupancy only.

C5- A 15-year covenant and details of management structures.

C9- Transportation requirement including inter alia, “Left Out Only” shall be provided at the vehicular entrance onto the R139, a mobility management plan, works to the public areas.

C15- Submission of a landscaping scheme, contribution in lieu of public open space, trees protection bond and plan.

C16- Archaeological monitoring.

6.0 **Third Party Submissions**

6.1. A number of submissions (17 no.) were received in relation to the proposed development, of these 4 are from prescribed bodies, as summarised below in Section 10.0, and the remainder are from residents associations, residents from the vicinity, Councillors from the area and an agent on behalf of the site owner to the north. The Councillor submissions are highlighted in the first instance and other issues raised throughout the submissions are similar and have therefore been summarised these into common themes.

Elected Representatives

6.2. Cllr Alison Gilliland

- The application is not a built to rent rather a co-living development.
- The co-living unit cannot be described as a home.
- The local community want accommodation which can ensure that they are part of community.
- There are concerns with the traffic management and the free flow of the roundabout.

6.3. Aodhan O Riordain TD

- The demand for “co-living” will collapse as a result of the pandemic.
- The site is unsuitable for the development of this scale and height as evidenced by the material contravention.

- A single kitchen on each floor cannot accommodate the amount of people and the circumstances of COVID 19 render it unviable.
- The proposal is not deemed of strategic importance.

6.4. Cllr John Lyons

- There is no evidence for the co-living at this location and will only lead to a transient population.
- There is no real justification for contravening the development plan for the height and the density is inappropriate.
- The proposal cannot be regarded as being of strategic importance.

6.5. Cllr Micheal Mac Donncha

- The co-living accommodation is not acceptable at this location.
- The site is unsuitable for a building of this scale.

6.6. Sean Haughey TD

- The site cannot accommodate such a scale of development and will lead to overdevelopment.
- The tenure provided is not applicable at this site.
- The Donaghmede roundabout cannot accommodate the additional transport and the entrance/exit is dangerous.

6.7. Cllr Tom Brabazon

- The site should be developed in conjunction with the adjoining site.
- The height and density are inappropriate at this location.
- There will be a negative impact on the adjoining permitted development and the Donaghmede roundabout.

Combined Issues

6.8. Transport Infrastructure

- The proposal will segregate the infrastructure for the cycle lanes and the bus corridor.

- There is no analysis of the existing and future capacity of these services.
- The access/ egress at this junction is inappropriate and potentially dangerous.
- The transport assessment does not include delivery to the site.
- The Road Safety Authority records collisions at the roundabout and the applicants Road Safety Audit provides no evidence that the proposal will not further increase accidents.
- The transport assessment does not provide any evidence for a reduction in parking and the ratio is unacceptable.

6.9. Apartment Design

- The scale and bulk of the proposal at this location is excessive.
- The site can does not absorb the excessive height.
- The proposal is contrary to S 16.7 of the development plan.
- The proposal would have a negative visual impact on the surrounding area.
- The densities are excessive and not justified at this location.

6.10. Residential Zoning & appropriateness of the development

- The guidelines allow for shared accommodation to a max of 8 persons. The proposed kitchen facilities cater for 15 units (29people) is too high.
- The co-living is for persons of MultiTech companies with commonality.
- The shared spaces equate 4.9m² per person and the minimum is 6-8m².
- BTR and co-living are very different models.
- The location of the site adjoining Baldoyle Industrial Estate and Donaghmede Shopping Centre are not justification for this co-living accommodation.
- The proposal does not constitute a residential use.
- The shared living accommodation should only be used to “cater for particular employee accommodation needs”.
- The proposal is contrary to section 5.19 of the apartment guidelines.

- The justification documentation refers to Dublin Airport although there is no suitable link.
- The applicant submits that the profile of the residents is 20-35 although it has not been explained if the market in the general locality.
- The average time for occupancy is 4-12 months which will lead to transient population.
- The co-living model is currently under review.

6.11. Public Health

- The residents will not be able to self-isolate during COVID-19.
- This type of accommodation is not appropriate.

6.12. Public Amenity

- The building is taller and out of character with the suburban context.
- The proposal translates into a unit density of 625 units per ha which is too high for the area.

6.13. Impact on the adjoining permitted development

- Some of the drawings include a contiguous elevation with the refused SHD on the adjoining site, which is misleading.
- The distance between the proposed development and the permitted Block D adjoining the site varies between 14m to 22m.
- The applicant has not demonstrated distance between the living spaces from the 3 buildings proposed.
- An independent daylight assessment is carried out.
- The sunlight and daylight will be diminished on the ground floor units and the permitted proposal will be overshadowed.
- The impact on the private amenity space in the adjoining development (Reg Ref 3403/18) should be assessed.

6.14. Impact on residential amenity

- There is a lack of public open space, insufficient north facing units and no privacy for the ground floor users.

6.15. Archaeological Heritage

- The applicant incorrectly refers to the absence of any archaeological monuments although there are at least 2 within the vicinity of the site.

7.0 **Planning History**

Reg Ref 3979/09

Part 8 granted for a Quality Bus Corridor along The Hole in The Wall Road which is c.350m north of the site.

No site history on the subject site although there are two relevant applications on the site directly adjoining and north of the subject site, at the former Columban Missionary site.

ABP 307257-20

Permission refused for an SHD application for 438 no. apartments for the following reason:

Having regard to the Ministerial guidelines for Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation distances between blocks, and between habitable rooms and balconies, resulting in overlooking and overshadowing of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Reg Ref 3403/18

Permission granted by Dublin City Council for revisions to PL29N.249368 (Reg Ref 2854/17) for 225 no residential units (BTR).

PL29N.249368 (Reg Ref 2854/17)

Permission granted for the demolition of the former Columban Missionary building and the construction of 203 no BTR apartments.

8.0 Section 5 Pre-Application Consultation

8.1. A pre application consultation took place via Microsoft teams on the 6th July 2020 and following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála as summarised below:

1. Principle of Shared Accommodation provision at this location

- (i) the vision for the development of Donaghmede and the relevant housing and settlement policies set out in the Dublin City Development Plan 2016-2022;
- (ii) the Sustainable Urban Housing: Design Standards for New Apartments, specifically the guidance on Shared Accommodation Developments and in particular sections 5.18, 5.19 and 5.22 and SPPR 9 of same, and
- (iii) the suitability of this location for Shared Accommodation with regard to accessibility and connections to employment centres and community facilities.

Comprehensive information regarding the nature of the proposed use should be submitted to facilitate assessment of this issue including details of the occupation, operation and management of the scheme.

2. Impacts on residential amenities

Provision of an optimal architectural solution for this location, high quality to ensure that the proposed development has positive contribution to the character of the area over the long term.

3. Transportation

Further consideration of the documents as they relate to parking, traffic and transport, having regard to the nature of the development proposed at this location. Further consideration of vehicular, cycle and pedestrian connections to existing networks.

A Car Parking Strategy, Mobility Management Plan and a Traffic Impact Assessment should also be carried out.

4. Drainage

Further consideration of the documents as they relate to drainage and site services having regard to the report from DCC drainage included in the Planning Authority's Opinion dated 27th May 2020 and Irish Water's submission dated 26th May 2020.

- 8.2. Furthermore, the prospective applicant was advised that the following **specific information should** be submitted with any application for permission:
1. A detailed schedule of accommodation which indicates consistency with relevant standards in SSPR 9.
 2. A report that addresses issues of residential amenity (both of adjoining developments and future occupants), including levels and cross-sections showing the relationship between the proposed development and adjoining residential development (permitted or built).
 3. Details of the proposed materials and finishes to the scheme including the treatment of balconies, landscaped areas and all boundary treatments.
 4. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets and provides for a quality public realm.
 5. An Archaeological Impact Assessment.
 6. A micro climate analysis.
 7. Tree Survey and Arboriculture Assessment.
 8. Ecological Impact Assessment.
 9. Response to issues raised in report from Transportation and Engineering Division in Addendum B of the PA Opinion.
 10. A draft Construction Management Plan and a draft Waste Management Plan.
 11. Statement and notices referring to 37(2)(b) of the Planning and Development Act 2000 where a material contravention is proposed.

8.3. Applicant's Statement

8.3.1. A Planning Application Statement and Statement of Consistency accompanied the application which includes a response to the preplanning consultations as summarised below:

8.3.2. In relation to the points of further consideration the applicant states that:

1. The planning rationale and justification for the proposed shared accommodation is included in the "Justification for Shared Living" and "Operation Plan".
2. The planning rationale includes a statement of consistency with the local and national planning policy. The Design Statement includes the quality of the materials, landscaping etc.
3. A Transportation Assessment Report has accompanied the planning application.
4. A list of documents and drawings have been submitted to demonstrate the drainage details, storm water management, surface water drainage and drainage diversions.

8.3.3. In relation to the specific information, the applicant states that the following has been submitted:

1. A Schedule of accommodation.
2. There is no residential development permitted or built, therefore no report is submitted.
3. Details of materials and finishes included in the Design Statement.
4. An Archaeological Impact Assessment.
5. Microclimate Analysis.
6. Tree Survey and Arboriculture Assessment.
7. Ecological Impact Assessment.
8. Transport and Engineering.
9. Construction Management Plan.
10. A Material Contravention Statement.

9.0 Relevant Planning Policy

9.1. National Planning Framework (NPF) – Project Ireland 2040

A number of key National Policy Objectives (NPOs) are noted as follows:

- NPO 3(a): Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35 seeks to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

9.2. Section 28 Ministerial Guidelines.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013) (updated May 2020)
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009)

9.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

A number of key Regional Policy Objective (RPOs) are noted as follows:

- RPO 5.4 : Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.
- RPO 5.5 : Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.
- RPO 5.3 Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

9.4. Dublin City Development Plan 2016-2022

The site is located on lands zoned 'Z1- Sustainable Residential Communities, where it is an objective "*To protect and improve residential amenities.*'

Development Standards

- Section 16.4 **Density Standards**. As per national planning policy.
- Section 16.5 **Plot Ratio**. Indicative plot ratio of 0.5 – 2.0 for Z1 outer city. Higher plot ratio may be permitted adjoining public transport corridors.
- Section 16.6 **Site Coverage**. Indicative site coverage of 45% - 60% for Z1 lands. May be higher adjoining public transport corridors.
- Section 16.7 **Building Height**. Up to 16m in outer city locations, outside designated locations within SDRAs.

Strategic Development and Regeneration Area (SDRA) 1 North Fringe (Clongriffin-Belmayne).

The site is located within the SDRA 1 North Fringe (Clongriffin-Belmayne).

The local area plan is based on the following key **objectives/guiding principles**:

1. To create a highly sustainable, mixed-use urban district, based around high-quality public transport nodes, with a strong sense of place.
2. To achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.
3. To establish a coherent urban structure, based on urban design principles, as a focus for a new community and its integration with the established community, comprising of a number of detailed elements for urban design

In relation to **height** it is an objective to use building heights to define key landmark locations, including:

- Minimum heights of 5 storeys for the key district centres at Clongriffin rail station and the N32/Malahide Road junction
- Minimum heights of four to five storeys for the Main Street boulevard
- A landmark structure of 10-14 storeys (office height) adjacent to the rail station.

There are no specific height objectives for this location in the LAP and the site is not located within any areas designated as a focal point to a Key District Centre.

9.5. **Applicants Statement of Consistency**

A Planning Application Statement and Statement of Consistency accompanied the application which states that the proposal is in line with national regional and local policy. The statement reference to other similar types of shared living accommodation in Dublin and beyond.

A Statement of Material Contravention accompanied the application. The applicant has determined the maximum height of the building at 52.9m is a material contravention of the development plan as it exceeds the 16m limit in the development plan. I note the elevation drawing measure the height at c.34m

9.6. **Designated Sites**

The site is located c.2km from the edge of Dublin Bay and 1.6km from the closest European Site. Those sites within the vicinity of the site are listed below:

- Baldoyle Bay SAC [000199] (1.7km)
- North Dublin Bay SAC [000206] (2.0km)
- Malahide Estuary SAC [000205] (4.7km)
- Ireland's Eye SAC [002193] (5.5km)
- Howth Head SAC [000202] (5.5km)
- Rockabill to Dalkey Island SAC [003000] (5.5km)
- South Dublin Bay SAC [000210] (6.5km)
- Baldoyle Bay SPA [004016] (2.1km)
- North Bull Island SPA [004006] (2.1km)
- South Dublin Bay and River Tolka Estuary SPA [004024] (5.0km)
- Malahide Estuary SPA [004025] (5.3km)
- Ireland's Eye SPA [004117] (6.0km)
- Howth Head Coast SPA [004113] (8.82km)

10.0 Prescribed Bodies

10.1. Inland Fisheries Ireland (IFI)

- Surface Water Management measures should be implemented at construction and operation stage to prevent pollution of local surface waters.
- A maintenance policy to include regular inspection and maintenance of the SUDS infrastructure should be conditioned.
- A CEMP should be included identifying any potential impacts and mitigating measures for the surface water system.
- The local infrastructure capacity should be able to cope with the increased foul and storm water generated from the proposed development and protect ecological integrity of the receiving aquatic environment.
- The foul is discharged to the Ringsend Wastewater Treatment Plant which is currently overloaded.

10.2. Irish Aviation Authority (IAA)

- The applicant should be directed to engage directly with IAA/ Dublin Airport to assess the impact of the proposed development on the airport, flight procedures etc.
- A condition on any grant of permission should be included requiring the applicant/ developer to notify Dublin Airport and the Irish Aviation Authority with the intention to commence crane operations at least 30 days before erection.

10.3. Irish Water (IW)

- No objection subject to a condition requirement a connection agreement.

10.4. Transport Infrastructure Ireland (TII)

- The Board should have regard to Chapter 3 of the DoELG Spatial Planning and National Road Guidelines in the assessment and determination of the application.
- Future LUAS, Metro and bus route alignments re a matter for the NTA.

11.0 Assessment

11.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of the Shared Living Concept
- Standard of Accommodation and Impact on Residential Amenity
- Impact on the Residential Amenity of the adjoining permitted scheme
- Traffic and Transport
- Urban Design
- Material Contravention of the Dublin City Development Plan 2016-2022
- Irish Aviation Association
- Archaeology
- Chief Executive (CE) Report

Principle of the Shared Living Concept.

11.2. The proposed development comprises of the construction of a building to accommodate 122 no. shared accommodation bedrooms and associated communal amenity areas. The proposal comprising 110 no. double occupancy rooms and 12 no. single occupancy rooms (232 no. bed spaces in total) over 10 storeys of accommodation. Each floor contains a mix of one and two bed space rooms with separate communal facilities. The site is zoned Z1, where it is an objective to *“protect and improve residential amenities”*. The principle of residential development is acceptable at this location.

Identified need

11.3. The principle of locating this shared accommodation proposal at this location is raised as an issue by the Planning authority (PA), several elected representatives and in third party observations. The submissions consider the site is not appropriate

for this model of housing having regard to the type of tenure proposed and the absence of any justification for co-living at this location.

11.4. Guidance for both BTR and shared accommodation is contained in Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments 2018 with both Specific Planning Policy Requirement (SPPR) 7 & 9 providing policy context in which to assess proposals against. These guidelines highlight the need for shared accommodation to be situated in urban locations in order to respond to specific housing needs. Section 5.22 refers specifically to proposals relating to significant concentrations of employment.

11.5. A Justification for Shared Living, an Operation Plan and a background of Chocjas Living have been submitted as supporting documentation by the applicant. These documents contain a background of the shared living concept, the growth of the market in the UK and the overall functioning of this format. The applicant justification for the co-living concept at this location is summarised below:

- It is accessible, within 25mins of the IFSC, 20mins of City Centre and Airport,
- The bus transport in the immediate locality and shopping centre,
- Malahide Road and Clongriffin DART station are within walking distance,
- The provision of communal facilities provided within the proposal,
- The cost benefits of the shared living model including social, economic and environmental.

11.6. The national guidelines clearly state that the shared accommodation type is only appropriate where responding to an identified urban housing need at a particular location. Section 5.18 requires the applicant to provide a satisfactory evidential base to demonstrate that the proposal is based on accommodation need.

11.7. The applicant's justification for the need to provide this specific accommodation at this location is based on the growing demand for new forms of accommodation for 25-35-year olds, the absence of affordable rental market in the Donaghmede/ Coolock area and the provision of accommodation for single persons. The PA do not consider a compelling case for the tenure model has been made, nor is there any clarity as to the expected tenants for this proposal. The PA recommend a refusal of

the permission based on the absence of a sufficiently compelling case for the shared living model at this outer city location.

- 11.8. In terms of justification for the location of the shared living concept at this location, I draw the Boards attention to Section 5.19 of the guidelines. Catering for particular employee accommodation needs with city centres has been highlighted as the appropriate location for shared accommodation. As stated above, the applicant's documentation refers to the urban location within a travel distance of up to 25mins from major employer areas. The supporting documentation does not further elaborate on the need for the shared accommodation to support any significant concentrations of employment or any major level health campus or similar facilities.
- 11.9. The site, which is c.17km from the city centre, can be accessed from the city centre by a bus service or by walking c.20mins to the closest DART station, either Clongriffin or Howth & Donaghmede. The Bus Connects route is proposed further north from the site along the new Priory road. The airport and Blanchardstown Shopping Centre are both located over c.6km from the site with no direct public transport connections.
- 11.10. Whilst I acknowledge there are sustainable transport options from travel to and from this location, I do not consider they constitute a direct, frequent link between the subject site the city centre, airport or any other area of major employment. These direct links are necessity to support the shared accommodation concept.
- 11.11. In the absence of direct transport links and a robust evidence-based assessment, it is my view that there is insufficient evidence to justify how the proposal can be directly linked to any significant employee generating activity. I note the information submitted by the applicant is generic in nature and not specifically linked to the need to locate shared accommodation on this site. Although there may be issues with the housing supply in the general area, I do not consider it has been demonstrated the the provision of this co-living, as a format, can respond to a specific housing need at this location.

Review of Co-Living Guidance

- 11.12. An observation has raised the review of the co-living model. the proposal should be refused considering this review. The Board will note a letter received by An Bord Pleanala on the 23rd of November 2020 from the Minster for Housing, Local

Government and Heritage in relation to Co-living Development proposals. The Minister advises that a review of the Shared Accommodation section of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 will be forthcoming. I note no update to these guidelines has yet been produced. I have assessed the proposed development in the context of the current guidelines.

Conclusion

11.13. Having regard to the information provided in the applicant's documentation and the requirements of the national guidance for shared accommodation, I do not consider the applicant has sufficiently justified the necessity for this accommodation to respond to a specific identified urban housing need or to support any significant concentrations of major employment. I do not consider the proposal can comply with the guidance as outlined in the Sustainable Urban Housing: Design Standards for New Apartments, 2018 and as such the principle of shared accommodation at this location is not acceptable. In this regard, I consider the proposal should be refused on the basis that the site is unsuitable for shared accommodation as a housing tenure.

Standard of Accommodation and Impact on Residential Amenity

11.14. The proposal consists of 122 no. shared accommodation rooms, comprising 110 no. double occupancy rooms and 12 no. single occupancy rooms (232 no. bed spaces in total) over 10 storeys of accommodation. Each floor contains a mix of one and two bed space rooms with separate communal facilities.

11.15. SPPR 7 & 9 of the apartment guidelines set out the requirements for Shared Accommodation. A clustered model of shared accommodation with one format detailed as 2-6 bedrooms sharing common area is advocated in the guidelines. Section 5.15 notes other formats may be proposed. Section 5.16 identifies specific standards for bedroom sizes and the provision of communal amenities.

11.16. A breakdown of the overall configuration of the bedroom mix, common shared area per floor, private balconies and other communal amenities is provided in the table below:

Floor	Single Bedroom	Double Bedroom	Communal Amenities
			KLD- kitchen/ Living/ Dining
ground	2	10	Laundry (25.20m ²), Living (52.80m ²), KLD (86.20m ²) Total 164.2m²
1 st	1	14	KLD (86.2m ²) Living (38.40m ²) Balcony (37.20m ²) Total 124.6m² + balcony 37.20m²
2 nd	1	14	KLD (86.20m ²) Living (55.30m ²) Balcony (37.20m ²) Total 141.5m² + balcony 37.20m²
3 rd	1	14	KLD (86.20m ²) Living (55.30m ²) Balcony (37.20m ²) Total 141.5m² + balcony 37.20m²
4 th	1	12	KLD (86.20m ²) Living (55.30m ²) Balcony (37.20m ²) Total 141.5m² + balcony 37.20m²
5 th	1	12	KLD (86.20m ²) Living (34.10m ²) Balcony (35.00m ²) Terrace 101.60m ² Total 120.3m² + balcony 35.00m² + Terrace 101.60m²
6 th	1	5	KLD (86.20m ²) Living (34.10m ²) Balcony (35.00m ²) Total 141.5m² + balcony 35.00m²
7 th	1	5	KLD (86.20m ²) Balcony (35.00m ²) Terrace 219.00m ²
8 th	1	5	KLD (86.20m ²) Balcony (35.00m ²)
9 th	1	5	KLD (86.20m ²) Balcony (35.00m ²)
10 th	1	5	KLD (86.20m ²) Balcony (35.00m ²)
Total	12	110	KLD (862m ²) Living (325.30m ²) Balcony (358.8m ²) Terrace (320.70m ²) Laundry (25.20m ²)

Bed space rooms

11.17. In relation to the size of bedrooms Table 5a of the guidelines requires the following as a minimum (including en-suite):

- Single- 12m²
- Double/twin- 18m².

11.18. The Planning Application Statement and Statement of Consistency, which accompanied the application, states that the minimum proposed floorspace of the single occupancy units will be 18m² and 19.2m² for the double/twin. I note some of the applicant's figures do not include for en-suites, this aside, the size proposed for the bed spaces complies with the national guidance.

Common Living and Kitchen Facilities Floor Area

11.19. SPPR 9 (ii) of the Sustainable Urban Housing: Design Standards for New Apartments, 2018, states that "*The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b*".

11.20. In relation to the common living and kitchen facilities Table 5b of the guidelines requires the inclusion of following floor areas as a minimum:

- Bedrooms 1-3: 8m² per person
- Bedrooms 4-6: additional 4m² per person.

11.21. The ratio of bedroom to common living areas range from 15 bedrooms per common area on the ground floor, to 6 bedrooms per common area on the 10th floor. Figure 47.0 of the Planning Application Statement and Statement of Consistency, which accompanied the application, provides a breakdown of the overall requirement for common living and kitchen facilities in the entire building rather than a per floor basis. The applicant also includes private amenity space in the calculation for the common shared areas. On this basis the applicant concludes that 1,414m² of common living and kitchen facilities is required for 232 no. persons which leads to 6.1m² per person. Having regard to the applicant calculations they conclude that the total 2,007m² at 8.7m² per bed space is enough communal space for the proposed development.

11.22. I consider the applicants calculation is incorrect and does not truly demonstrate compliance with Table 5b of the guidelines. In the first instance only the kitchen and common living areas should be assessed as common shared areas for Table 5b with an assessment of compensatory communal support facilities and amenities required as separate compliance for SPPR 9. I have provided the Board with a detailed assessment for compliance of both separately below.

11.23. The following table provides a breakdown of the floorspace requirements for the common shared areas as required for compliance with Table 5b.

Floor	Bedrooms occupancy	Floorspace required m2*	KLD- kitchen/ Living/ Dining m ²
ground	22	1-3 bed (24) 4-22 bed (76) Total- 100m ²	KLD (86.20m ²) & Living (56.0m ²) Total – 142.20m ²
1 st	29	1-3 bed (24) 4-29 (104) Total- 128m ²	KLD (86.2m ²) & Living (37.9m ²) Total- 124m ²
2 nd	29	1-3 bed (24) 4-29 (104) Total -128m ²	KLD (86.20m ²) & Living (58.6m ²) Total- 144.8m ²
3 rd	29	1-3 bed (24) 4-29 (104) Total -128m ²	KLD (86.20m ²) Total- 86.20m ²
4 th	29	1-3 bed (24) 4-29 (104) Total -128m ²	KLD (86.20m ²) Total – 86.20m ²
5 th	25	1-3 bed (24) 4- 25 (88) Total -112m ²	KLD (86.20m ²) & Living (37.4m ²) Total – 125.6m ²
6 th	25	1-3 bed (24) 4- 25 (88)	KLD (86.20m ²) & Living (37.4m ²) Total- 125.6m ²

		Total -112m ²	
7 th	11	1-3 bed (24) 4- 11 (32) Total- 56.m2	KLD (86.20m ²) Total- 86.20m2
8 th	11	1-3 bed (24) 4- 11 (32) Total- 56.m ²	KLD (86.20m ²) Total- 86.20m ²
9 th	11	1-3 bed (24) 4- 11 (32) Total- 56.m ²	KLD (86.20m ²) Total- 86.20m ²
10 th	11	1-3 bed (24) 4- 11 (32) Total- 56.m ²	KLD (86.20m ²) Total- 86.20m ²
Total	232	Total 1,060m²	KLD (862m ²) & Living (325.30m ²) Total – 1,187.3m²

*based on Table 5b of the apartment guidelines

11.24. The breakdown in the above assessment indicates a shortfall of floorspace for the common areas in floors 1, 3 and 4. The shortfall is most evident on floors 3 & 4 with and additional c. 40m² of common area required to ensure compliance with Table 5b of the guidelines. The Board will also note there is an overprovision of common areas on other floors such as those in floors 6- 10. The overall quantum of common area provided exceeds the requirement in Table 5b by 127m². Taking a pragmatic approach to the provision of common areas required and having regard to the provision of two sperate common areas on half of the floors, I consider the clustered format and configuration of shared accommodation broadly complies with the apartment guidance and therefore the requirements of Table 5b and SPPR 9 (ii).

Communal Support facilities

11.25. SPPR 9 (iii) Sustainable Urban Housing: Design Standards for New Apartments, 2018, states that “ *Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation*

will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;”

11.26. The Board will note the requirement to provide compensatory support facilities and amenities is in addition to and separate to the common kitchen/ living and dining areas required for Table 5b and SPPR 9 (ii).

11.27. Shared accommodation is also subject to the requirements of SPPR 7. The supporting communal and recreational amenities required by SPPR 9 (iii) are set out in SPPR 7 (b) as follows:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

11.28. The submitted documentation does not provide a breakdown of any reduction in standards applied for under SPPR 9 (iii) or Appendix 1. As stated above the applicant included the balcony areas for compliance with Table 5b, which I did not consider appropriate. I note c. 63 no bedrooms (total 358m²) have private balconies whilst c.59 has no balconies. This would not be unusual for shared living accommodation. In this instance the provision of communal support facilities and other communal areas is required to compensate for the absence of storage and amenity space.

11.29. I have provided the Board with an overview of the compensatory facilities within the scheme as follows:

- Laundry (25.2m²) and Concierge (21.2m²) on the ground floor.
- Two open space terrace areas (320.70m²).

11.30. In relation to the communal open space areas the Board will note the applicant's calculations include the private balconies and terrace areas although landscaping drawings are only provided for the area around the car park and entrance on the

ground floor. The landscape drawings and landscape report do not include detailed proposals for the two terrace areas. The Water Services and Flood Risk Assessment includes the sedum roofs as part of the surface water drainage proposals. I consider the balconies are private and should not be considered as in the quantum of communal amenity space. The proposal does not include any useable communal open space.

- 11.31. The submission from the Parks, Biodiversity and Landscape Department do not consider the communal open space on the ground floor is of good quality and note the absence of any usability on the terraces. They do not consider there is enough public open space in the vicinity of the site to serve the site.
- 11.32. Having regard to the absence of private balconies for c.59 bedrooms and the absence of any meaningful residential support facilities or residential services and amenities, I do not consider the proposal complies with the requirements of SPPR 7 or SPPR 9 of the apartment guidelines. I do not consider the applicant has successfully demonstrated that the overall quality of communal facilities provided will be such that the residents will enjoy an enhanced standard of amenity. I consider the substandard amenity space on the ground floor and lack of usability of the terrace areas will have a significant negative impact on residential amenity of the future residents having regard to the limited compensatory facilities on the ground floor, namely the laundry and concierge.
- 11.33. Whilst it is noted the guidelines provide flexibility in the provision of communal facilities in shared living schemes, I consider the level provided is significantly underprovided and substandard in design and I consider the proposed development should be refused for reason of insufficient supporting communal amenities and in turn non-compliance with SPPR 7 & 9 (iii) of the apartment guidelines.

Ground floor accommodation

- 11.34. The building has been designed so as the ground floor bedrooms along the south and south west face onto the R139. The PA consider the absence of any buffer planting along the edge of the site will have a negative impact on the residential amenity of the future occupants.
- 11.35. I note a 2m buffer is provided between the building line and the public road. A c. 1.5m, boundary wall is proposed wall with railing over along the front of the site,

consisting of a block wall with railing over, The landscaping drawings do not detail any planting although this buffer between the building and boundary treatment although the area is designated as open space.

11.36. I consider the 2m separation distance and inclusion of the boundary treatment along the front of the site will prevent direct overlooking into those bedrooms on ground floor. The inclusion of planting within this buffer area would enhance the visual amenity and further protect their amenity. Should the Board be minded granting permission a landscaping scheme could be reasonably included as a condition. I have addressed the impact of the boundary treatment on the urban design, separately below.

Covid-19

11.37. Several observations question the appropriateness of the shared living accommodation considering the Covid-19 pandemic. In this regard, it is noted that An Bord Pleanála is not a public health authority and that there is currently no policy restriction on the development or operation of such shared accommodation. Notwithstanding this, it is noted that Operational Plan which accompanied that application includes measures within the operator's management plan to ensure general compliance with Health and Safety Issues.

Daylight and Sunlight

11.38. A Daylight, Sunlight and Overshadowing assessment accompanied the application. The assessment provides an analysis of both the impact on the occupants of the proposed development and the adjoining permitted development to the north (further discussed below). The proposed development includes c.14 no. double bedrooms orientated north.

11.39. The submission from the PA note the absence of any assessment of the north facing bedrooms which they consider unlikely to meet the recommended levels. The absence of natural light to the corridors is also highlighted. The applicant's daylight assessment notes reference in the BRE Guide to state that north facing rooms are unlikely to meet recommended levels, therefore only windows facing south of due east and west were assessment as part of the study.

- 11.40. Section 13 of the Daylight, Sunlight and Overshadowing assessment includes an assessment of the potential sunlight to the amenity space within the proposed development. The area on the ground floor to the north of the proposed building has been highlighted as having no access to sunlight. Notwithstanding the fact that this assessment relates to the ground floor amenity space, I consider the results highlight the absence of sunlight directly north of the building.
- 11.41. This model of shared accommodation would potentially lend the use of bedroom space as the main living space for occupants and therefore the provision of sunlight and daylight becomes more important than that required for a conventional apartment bedroom.
- 11.42. Having regard to this daylight and sunlight assessment and the orientation of a significant number of double bedrooms within the proposal, I consider the level of daylight and sunlight into the bedrooms facing north will be so diminished to have a significant negative impact on the residential amenity of up to 28 future occupants.

Conclusion

- 11.43. Having regard to the absence of any useable meaningful communal open space, the absence of private balconies and the significant number of north facing double bedrooms I consider the proposal would represent a substandard form of development. In this regard I do not consider the proposal can comply with the requirements for shared accommodation as set out in SPPR 9 (iii) and SPPR 7 (b) of the Sustainable Urban Housing: Design Standards for New Apartments, 2018.

Impact on the Residential Amenity of the adjoining permitted scheme.

- 11.44. The site is located to the south of a large greenfield site, also zoned for residential use. Permission for 225 no Build to Rent apartments ABP-302929-18 (Reg Ref 3403/18) is currently on this site. Block D and Block C of that permitted scheme are located along the south adjoining the subject site. Permission was recently refused for a SHD application for 438 no apartments (ABP- 307252-10) for reasons of inadequate separation distance between blocks proposed.
- 11.45. A submission has been received on behalf of the owner of the site to the north. Concern is raised over the impact of the proposal on the potential occupants of the permitted scheme to the north by way of inadequate separation distance leading to

overlooking. In addition, it is argued that the proposal will reduce the daylight to apartments 9-16 below the Vertical Sky Component (VSC) of 27% as per the BRE Guidelines. In addition, it is considered the ground floor windows (living rooms 11,12,13 &15) will have diminished sunlight below the BRE threshold. The submission requests an independent daylight assessment.

11.46. The PA submission also raised the issues of sunlight and daylight. They note an outdated version of the BRE guidance is referenced (2011) rather than the 2018 version. They also note the reduction in VSC as per the observers and refer to the absence of any 3rd party bedrooms in the daylight and sunlight assessment.

11.47. A Daylight, Sunlight and Overshadowing Assessment accompanied the application. An assessment of the proposed scheme and the neighbouring scheme was undertaken. The assessment notes the BRE Guide is not a mandatory document. A worst-case scenario was used for the impact of the proposal on the adjoining development. The report concludes that apartments 9-16 will have a VSC under 27%, the target Average Daylight Factor (ADF) for habitable rooms can be retained, three windows will have access to sunlight reduced under the BRE Guide and kitchens under 6.5m² have been discounted as habitable space due to their size.

11.48. Whilst the applicant's daylight assessment states the BRE Guide is not mandatory, it is noted that the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides reference to the quantitative performance approach in documents such as these. I consider the BRE Guide provides a satisfactory reference on which to understand the capability of the proposal to achieve a certain level of standard. Therefore, I draw the Boards attention to the results of the applicant assessment which identified an impact on c. 7 no apartments in Block D. I note that a full assessment of the Block D has not been undertaken and I consider, having regard to the height of the building, the results for VSC for the apartments on the remaining four floors would be similar. In this regard, the proposal would have a negative impact on a significant number of apartments in Block D.

11.49. Appendix F of the Daylight, sunlight and overshadowing assessment illustrates the potential for overshadowing from the proposed development on sites with the vicinity. I note a level of overshadowing on Block D of that permitted scheme to the north of the site. The separation distance of c. 15m from buildings would not be

unusual in an urban setting, although having regard to the height of the proposed development and the absence of a analysis of all apartments in Block D I consider the proposed development has the potential to have a negative impact on the residential amenity of future residents.

11.50. I do not consider the information submitted in the Daylight, Sunlight and Overshadowing Assessment provides sufficient evidence to allow a conclusion that there will be no significant negative impact on the residential amenity of the potential residents to the north of the site. Having regard to the orientation of the site and the design of the proposed development, it is my opinion that the proposed development would lead to a significant negative impact on the residential amenity of the future occupants of the permitted development adjoining the site and should therefore be refused.

Traffic and Transport

11.51. The proposal includes 23 no dedicated car parking spaces including 2 car-club (GoCar) spaces and 1 no mobility space. Vehicular access is proposed from Grange road (R139) along the south of the site. The majority of issues raised relating to transport relate to the carparking provision on the site.

Car parking

11.52. SPPR 9 of the apartment guidelines provides policy context relevant to shared accommodation. In relation to car parking the following is stated:

(iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

11.53. The application is accompanied by a Transportation Assessment Report. The report references the location of the site within Zone 3 of Map J of the development plan and the quantum of parking required for the site which is 183 spaces as a maximum and the sustainable transportation options in the vicinity. The location of a Bus Connects corridor 350m north, the high frequency of bus services along the front of the site along the R139 and the distance of the Clongriffin DART station within a 20

min walk are put forward as appropriate measures to facilitate a reduction in parking at this location.

- 11.54. The submission from the Transport Section has raised concern in relation to the quantum of carparking. The section considers that access to the site is limited by an insufficient public transport provision to allow for a default zero parking as required by SPPR 9. The combination of insufficient public transport and provision of 0.2 car spaces for room will lead to overspill parking on the surrounding area.
- 11.55. I note the requirements of SPPR 9 for no car parking, or significantly reduced parking, as a default for shared living accommodation and having regard to the short-term nature of this living model the absence of car parking is considered appropriate. A strong central management regime for the shared accommodation is required to contribute to the capacity to establish and operated the shared mobility measures. The removal of parking can be intrinsically linked to the success of the living accommodation and compliance with SPPR 9.
- 11.56. Whilst I note there are sustainable transport options available in the vicinity of the site, I have concerns that these are so infrequent or slow as to prevent the entire removal of car reliance within the site. A Travel Plan submitted as Appendix G of the Transport Assessment Report notes a high frequency bus service (every 4 minutes) which links the site to Clongriffin DART station (an additional 9 mins) and therein into the City Centre. Travel times from the DART into the City Centre are approximately 20 mins. I do not consider this transport option, whilst considered sustainable, gives rise to a high frequency connection with any significant employment concentrations. This link with the City Centre, as previously accessed, has been promoted as a supporting factor for the shared accommodation model at this location.
- 11.57. The Travel Plan, although contains up to date information on the sustainable transport options to the site, is aspirational and does not contain any detailed measures to implement. Section 7.9 of the Chojas Living Operational Plan, submitted as supporting documentation, notes the shared accommodation will be designed and located as a car free environment and notes the intention for the submission of a Mobility Management Plan (MMP). There are contradictions in the supporting documentation.

11.58. I do not consider the applicant has clearly demonstrated that there is a strong central management regime to support the default for no car parking and is therefore I consider the proposal contrary to the requirements of SPPR 9.

Cycle Parking

11.59. The proposal includes a total of 184 no cycle parking spaces. The Transport Assessment Report refers to the apartment guideline standards for the cycle provision parking of 1 storage space per bedroom and 1 for visitors. Cycle parking is proposed beside the car parking spaces, the vehicular entrance and the pedestrian entrance to the north of the site. The Transport Section has raised concern over the type, design and security of the cycle parking and recommend a condition is included so that stacked bike racks are screened from public realm.

11.60. I note the location of the cycle parking at dominant locations into the site, at either side of the main entrance and along the north. The elevation drawings submitted illustrate the cycle provision with bikes staked above the boundary treatment along all approach roads. I consider these drawings highlight the dominance of this design approach and the negative impact on the public realm. In this regard I consider the consolidation of most of the cycle parking away from the main access points would ensure the security of the cycle parking area is enhanced and the visual impact on the surrounding area reduced. I consider this can be reasonably be included as a condition on any grant of permission.

Access

11.61. Vehicular access into the site is via Grange Road. The Transport Section have highlighted the information in the submitted Road Safety Audit which recommends a "Left Out Only" onto the R139. It is recommended that a condition is included on any grant of permission requiring the applicant to provide the "Left Out Only", which I consider reasonable.

11.62. Transport Infrastructure Ireland (TII) have made a submission referring the Board to Chapter 3 of the DoELG Spatial Planning and National Road Guidelines. The Board will be aware that this chapter provides reference to the development management and impact of development of proposals on the national road network. I note access from the site is onto the R139 and having regard to the scale of development and

inclusion of 23 no car parking spaces, it is not considered the proposal will have a adverse impact on the national road network.

Conclusion

11.63. Having regard to the absence of any high frequency public transport connections to high concentrations of employment combined with the provision of carparking on site, I consider the applicant has failed to demonstrate that this site can operate successfully for shared accommodation. Therefore, having regard to the location of the site I do not consider that this short-term occupancy model can be accommodated, and the proposal fails to demonstrate specific measures to enable car parking provision to be reduced. In this regard, it is my opinion that the proposal should be refused for non-compliance with SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018.

Urban Design

11.64. The site is a small corner site (0.195ha) which fronts onto Grange Road (R139) along the south and the Hole in the Wall Road to the east. An Irish Water Wayleave runs along the north through the site. The former Columban Fathers site to the north has permission (Reg Ref 3403/18) for 225 no. BTR apartments with a five-storey block (Block D) permitted along the boundary of the site.

11.65. The proposed building is located along the south and east of the site. Five storeys are proposed starting at the west along Grange Road, stepping up to 7storeys and then 11 storeys at Donaghmede Roundabout. The building wraps around the corner of the site with the 11 storeys facing onto the Hole in the Wall Road to the east. A c. 1.5m boundary wall and railing is located along the edge of the site, adjoining the public footpath.

Urban Design

11.66. An Urban Design Statement accompanied the application which demonstrates how the proposal contributes to the creation of place and responds to the site context. The location of an Irish Water wayleave along the north of the site and the Grange Road and Hole in the Wall Road are identified as constraints.

11.67. The PA submission considers the development appears shoehorned into the site, requests the comprehensive redevelopment of the site in conjunction with the

northern site where a masterplan could have been submitted even if it is produced independently.

11.68. Policy H7 Objective 1 of the development plan includes guidance on appropriate urban design which is to be of a high standard and requires compliance with the national guidance on urban design '*Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009*' and the accompanying design manual. These Guidelines advocate high quality sustainable development that are well designed and built to integrate with the existing or new communities and the design manual provides best practice design criteria such as context, connections, inclusivity, variety, efficiency, layout etc.

11.69. I have assessed the proposal against the 12 criteria in the urban design manual. I consider the location of the building directly onto the public footpath provides an certain level of frontage although I consider the inclusion of the 2m set back from the footpath and integration of a wall and railing around the site detracts from the visual amenity of the elevation treatment along the main road. I consider the boundary treatment provides a barrier between the building and the main thoroughfare and therefore detracts from the streetscape. Whilst I note the use of the boundary is intended to protect the residential amenity on the ground floor, I consider a use which provides a more attractive and vibrant elevation would be more appropriate at this location. I do not consider the ground floor elevation and the use of the boundary treatment around the site provides the optimal design response for the site, nor will it enhance an important interchange in the City Centre which has potential for high footfall. Whilst I consider the overall contemporary design and high-quality materials provide definition at a main interchange, I do not consider the treatment of the ground floor provides a high level of public realm and is a poor design. The issues relating to the height are further discussed below.

11.70. In relation to the connectivity, I note there are no connections proposed to the north. The Irish Water wayleaves along the north of the site are noted. A row of cars is proposed along the boundary, over the wayleave. The PA consider the site should be master planned in conjunction with the adjoining site. Although I consider the integrating with the adjoining site with the proposal would benefit the urban design of the area, I consider it is aspirational. I do not consider the absence of a masterplan sufficient reason for refusal.

Material Contravention of the Dublin City Development Plan 2016-2022

- 11.71. The proposed height of the building is 11 storeys (c.34m). The development plan restricts heights of residential schemes to 16m on “Outer City” sites such as this. The application has been advertised as a material contravention of Policy SC16 and a Statement of Material Contravention Accompanied the application.
- 11.72. The PA submission notes the justification in the material contravention statement for the increased height, the absence of any specific height restrictions in the LAP for the area and the recently submitted SHD application on the Columban Fathers site to the north. In this regard the PA consider a proposal on this site should reflect the 5-storey height previously established with the potential for an additional 2 storeys at the Donaghmede roundabout.
- 11.73. Section 37(2)(b) of the Planning and Development Act of 2000 as amended provides that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with specific criteria. Whilst the PA have not recommended a refusal of permission based on the height strategy, the proposed development is deemed as a material contravention of the plan and as per the strategic housing development act, the Board may only grant permission for a strategic housing development which would materially contravene the development plan or local area plan where it considers section 37 (2) (b) of the Act of 2000 were to apply. I have provided an assessment under each of the criteria listed under Section 37 (2) (b) as follows;

(i) the proposed development is of strategic or national importance.

A Strategic Housing Development may be regarded as of strategic importance for the delivery of essential housing in line with national policy for addressing homelessness, subject to meeting appropriate planning standards and achieving targeted growth. As per previous assessment, I do not consider the shared accommodation, as a housing model, is justified at this location and therefore would not assist in addressing any housing crisis. Notwithstanding this, the Board will note the National Planning Framework 2040 requires a focus on redevelopment projects with regard underutilised land within the M50 ring for a more compact urban form, facilitated through well designed higher density development. National Policy

Objectives (NPO) 35 seeks to “increase density in settlements, though a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. With this in mind, the delivery of housing on the site would be considered of strategic importance for the targeted growth within the Dublin metropolitan area in line with national policies.

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned,

Section 16.7 of the Dublin City Development Plan allows for a maximum of up to 16m in the outer city. The site is located within the SDRA 1 North Fringe where the Clongriffin- Belmayne LAP allows building heights to define key landmark areas. Specific height objectives for taller buildings relate to the key district centres, the main street boulevard and lands adjoining the rail station. There are no specific height objectives for this location. The Statement of Material Contravention does not refer to any conflicting objectives. I do not consider there are any conflicting objectives in the development plan or LAP which warrant a grant of permission under Section 37 (ii).

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

The Urban Development and Building Heights guidelines advocates increased building heights at urban locations with good public transport accessibility. The subject site is located immediately adjacent to a QBC and the Bus Connects upgrade proposals include the New Priory Road, c. 350m north. SPPR 1 of these guidelines state that “*increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.*”

Section 3.2 of the Urban Development and Building Height Guidelines provide development management criteria for which a proposal for a higher building should

be assessed against. At a scale relevant to Dublin City I note the location of the site within the M50 ring within an area designated for consolidation of the gateway, adjacent to a large carriage way and QBC. I consider the proposed design includes a variety of heights, high quality materials and is not monolithic although I have serious concerns that the use of boundary walls around the perimeter of the site and ground floor use is not an appropriate urban design response to the site. Therefore, having regard to the criteria in Section 3.2 of the Urban Development and Building Heights guidelines, I have undertaken an assessment of the proposed development as follows:

At the scale of the relevant city/town;

- Although the site well served by public transport with existing bus corridor it does not support a high-quality design response and attractive frontage onto a main transport corridor into the City Centre to ensure a strong urban edge,

At the scale of district/ neighbourhood/street;

- It does not enhance public realm at the corner of the site fronting onto Donaghmede roundabout,
- It fails to support the appropriate development of a brownfield site by way of increase heights, providing connectivity into adjoining sites,
- The proposed shared accommodation is not linked to any significant employment in the vicinity of the site and has been justified as necessary to contribute to the range of tenure available to the community of Donaghmore and surrounding environs,

At the scale of the site/ building;

- The proposed development cannot meet the BRE guidelines for daylight in the proposed units and on the permitted residential properties to the north of the site.

Site Specific Assessment;

- The PA submission notes the absence of any microclimate analysis. I consider this level of analysis is crucial to assess the appropriateness of a

building up to 34m in height and would be expected to understand the usability of proposed amenity areas within the scheme.

- The submitted urban design statement notes the characteristics of the site, area in the vicinity and the proposed development. CGIs submitted with the application illustrate the building from the approach to the west, south and directly adjoining the site along the Hole in the Wall Road. I consider the impact will be significant and not necessarily consistent with the emerging environment from those approaches to the site. Whilst I consider the location along the R139 and on the corner of the roundabout can support additional height, I do not consider this design strategy provides justification that an 11-storey building at this location is the optimal architectural solution on the site.

In my opinion the proposed height of the building up to 34m is not considered appropriate at this location having regard to the development management criteria as set out in Section 3.2 of the Urban Development and Building Heights guidelines.

In relation to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018), as it relates to shared accommodation, it is not considered the applicant has sufficiently justified a link with any employment of significant scale nor is there a sufficient amount of communal amenity provision required to meet SPPR 9 of the apartment guidelines.

Therefore, having regard to the Section 28 guidelines, I do not consider the increase in height which warrant a grant of permission under Section 37 (iii).

- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

The applicants Statement of Material Contravention references SHD applications in the general vicinity where the heights exceeded the maximum 16m. these include ABP 305316, ABP 304196 and ABP 304346. The PA does not consider these examples as appropriate precedent for height as they were all located at key centres and/or had different qualities. The PA consider a height of 5 stories with the possibility of an additional two storeys at the roundabout is enough.

I note the permission on the adjoining site (Reg Ref **3403/18**) on the Columban Fathers site has permission for 5 storeys. I also note the location of the SHD permissions where

- 304196 is located adjacent to Clare Hall Shopping centre, a key district centre,
- 305316, beside the Clongriffin DART Station and,
- 304346, a large residential scheme set within the grounds of the Santry River.

Having regard to the location of those sites and the differing characteristic of proposals for those permissions listed above, I do not consider they are appropriate examples to use as a precedence for an 11-storey building at this location.

Conclusion

11.74. Therefore, having regard to my assessment above I consider a grant of permission under Section 37 (2) (b) of the Planning and Development Act 2000 (as amended), is not justified in this instance.

Irish Aviation Authority

11.75. The site is not located within a site identified as a Dublin Airport Outer Public Safety Zone. The submission from the PA refers to a submission from the Irish Aviation Authority (IAA), which requests notification of the intention to use cranes on site. The site is not located within any zones which restrict heights although having regard to the location of the site c.6km to the south east of Dublin Airport, I consider the potential use of the cranes during construction may have an impact and should be highlighted to the applicant. In this case, should the Board be minded granting permission for the proposed development a condition to notify both Dublin Airport and IAA is considered reasonable.

Archaeology

11.76. The CE submission refers to the applicants supporting documentation which notes no known archaeological monuments within the boundary or within several hundred metres of the site. The CE report refers to Grange Abbey c. 90m to the east which is a national monument and requests the inclusion of an archaeological monitoring condition on any grant of permission.

11.77. The site is not located within any Zone of Archaeological Interest. The application was referred to the Department of Culture, Heritage and the Gaeltacht and no submissions were received. I note the location of the Grange Abbey to the east of the site, separated by the roundabout and Hole in the Wall Road. The ruins are located within public open space associated with the Grange Abbey housing estate.

11.78. Having regard to the location of the site from the ruins I do not consider the construction of or operation will have a significant negative visual impact on the setting of the national monument. I consider the location c.90m to the west of the ruins sufficient reason to request archaeological monitoring during construction, should the Board be minded granting permission.

Chief Executive (CE) Report

Principle of Shared Accommodation

11.79. The Chief Executive Report recommends:

“that the proposal for the Co-Living development be refused, as a sufficiently compelling case for the shared living model at this outer city location has not been provided in line with the objectives and requirements of the 2018 Apartment Guidelines”

11.80. The Board will note my assessment under Section 11.3 above and my recommendation for refusal. I do not consider the applicant has submitted a satisfactory evidence base to justify locating the shared accommodation on this site.

Residential Amenity

11.81. In relation to the impact on residential amenity, the CE report raised the impact of the proposed development on permitted development on the adjoining Columban Fathers site, the privacy of the ground floor apartments within proposed scheme and the quality of the communal open space areas.

11.82. In relation to the impact on the adjoining lands my assessment under Section 11.50 concludes that the reduction of VSR to under 27% in the Block D apartments of permission (Reg Ref 3403/18) would have a negative impact. In relation to the privacy of the ground floor apartments my assessment under Section 11.36 includes that the 2m separation distance and boundary wall enough to protect privacy. In relation to the quality of communal open space areas my assessment under Section

11.43 concludes that the quantum and quality provided is substandard, fails to allow a flexibility in relation to the provision of all storage and private amenity space in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018), and is therefore not compliant with SPPR 9 of those guidelines.

Height

11.83. In relation to the height, 11 storeys are considered excessive and a recommendation for 5 storeys raising up to 7 at the roundabout was recommended. The Board will note my assessment under Section 11.73 and the use of the development management criteria in Section 3.2 of the Urban Development and Building Height Guidelines. I do not consider the overall proposal can meet the development criteria at a scale relevant to the site or the surrounding environs. In this regard I do not consider the proposal provides the optimal architectural response to the site.

Car parking

11.84. In relation to quantum of car parking, the CE report raised the ratio of parking proposed (0.18) and the inability of the site to be serviced sufficiently by public transport to allow the default for no parking as per SSPR8. In this regard the Board will note my assessment under Section 11.63 which concludes that having regard to the inclusion of parking and the absence of a strong central management regime to establish and operate shared mobility measures, the proposal fails to demonstrate specific measures to enable car parking provision to be reduced. In this regard, it is my opinion that the proposal should be refused for non-compliance with SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018

12.0 Appropriate Assessment

12.1. The application is accompanied by an Appropriate Assessment Screening Report. This report concludes that there is no potential for likely significant effects on any European sites.

12.2. The proposed development is for 122 no. shared accommodation units (232 bed spaces) on a c. 0.195ha site, located within the northern suburbs of Dublin City, on serviced and zoned land. Wastewater from the proposed development will connect

to the public sewer and treated in Ringsend WWTP, operational under an EPA licence (D0034-01). Irish Water confirmed in a pre-connection enquiry that the development can be facilitated. Surface water will be directed to two separate but linked attenuation tanks and discharged into an existing sewer which runs through the site and controlled to greenfield run off rates.

12.3. There are no European sites located within or in close proximity to the site. The Submitted Screening Report listed 13 no. sites within a 15km radius of the site. The list of European Sites, distance from the site and their Qualifying Interest/ Special Conservation Interest are listed below.

European Site (code)	Distance to site	List of Qualifying interest (QI) /Special Conservation Interest (SCI)
Special Areas of Conservation (SAC)		
Baldoyle Bay SAC [000199]	1.7km	Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410]
North Dublin Bay SAC [000206]	2.0km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petaltwort <i>Petalophyllum ralfsii</i> [1395]
Malahide Estuary SAC [000205]	4.7km	Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410] Marram Dunes (White Dunes) [2120] Fixed Dunes (Grey Dunes)* [2130]
Ireland's Eye SAC [002193]	5.5km	Perennial Vegetation of Stony Banks [1220] Vegetated Sea Cliffs [1230]
Howth Head SAC [000202]	5.5km	Dry Heath [4030]
Rockabill to Dalkey Island SAC [003000]	5.5km	Reefs [1170] Harbour porpoise <i>Phocoena phocoena</i> [1351]
South Dublin Bay SAC [000210]	6.5km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]

Special Protection Areas (SPA)		
Baldoyle Bay SPA [004016]	2.1km	[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [wintering] [A048] Shelduck (<i>Tadorna tadorna</i>) [wintering] [A137] Ringed Plover (<i>Charadrius hiaticula</i>) [wintering] [A140] Golden Plover (<i>Pluvialis apricaria</i>) [wintering] [A141] Grey Plover (<i>Pluvialis squatarola</i>) [wintering] [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [wintering] [A999] Wetland and Waterbirds
North Bull Island SPA [004006]	2.1km	Light-bellied brent goose [A046] Shelduck <i>Tadorna tadorna</i> [A048] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A054] Shoveler <i>Anas clypeata</i> [A056] Oystercatcher [A130] Golden plover <i>Pluvialis apricaria</i> [A140] Grey plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed godwit <i>Limosa limosa</i> [A156] Bar-tailed godwit [A157] Curlew <i>Numenius arquata</i> [A160] Redshank [A162] Turnstone <i>Arenaria totanus</i> [A169] Black-headed gull [A179] Wetland and waterbirds [A999]
South Dublin Bay and River Tolka Estuary SPA [004024]	5.0km	Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130] Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]
Malahide Estuary SPA [004025]	5.3km	[A005] Great Crested Grebe (<i>Podiceps cristatus</i>) [wintering] [A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [wintering] [A048] Shelduck (<i>Tadorna tadorna</i>) [wintering] [A054] Pintail (<i>Anas acuta</i>) [wintering] [A067] Goldeneye (<i>Bucephala clangula</i>) [wintering] [A069] Red-breasted Merganser (<i>Mergus serrator</i>) [wintering] [A130] Oystercatcher (<i>Haematopus ostralegus</i>) [wintering] [A140] Golden Plover (<i>Pluvialis apricaria</i>) [wintering] [A141] Grey Plover (<i>Pluvialis squatarola</i>) [wintering] [A143] Knot (<i>Calidris canutus</i>) [wintering] [A149] Dunlin (<i>Calidris alpina</i>) [wintering] [A156] Black-tailed Godwit (<i>Limosa limosa</i>) [wintering] [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [wintering]

		[A162] Redshank (<i>Tringa totanus</i>) [wintering] [A999] Wetland and Waterbirds
Ireland's Eye SPA [004117]	6.0km	[A017] Cormorant (<i>Phalacrocorax carbo</i>) [breeding] [A184] Herring Gull (<i>Larus argentatus</i>) [breeding] [A188] Kittiwake (<i>Rissa tridactyla</i>) [breeding] [A199] Guillemot (<i>Uria aalge</i>) [breeding] [A200] Razorbill (<i>Alca torda</i>) [breeding]
Howth Head Coast SPA [004113]	8.82km	[A188] Kittiwake (<i>Rissa tridactyla</i>) [breeding]

12.4. The **Conservation Objectives** for each of the European Sites is detailed below:

European Site	Conservation Objective
Baldoyle Bay SAC [000199] North Dublin Bay SAC [000206] Malahide Estuary SAC [000205] Ireland's Eye SAC [002193] Howth Head SAC [000202]	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.
Rockabill to Dalkey Island SAC [003000]	To maintain the favourable conservation condition of Reefs and Harbour porpoise, in Rockabill to Dalkey Island SAC, which is defined by the following list of target: <ul style="list-style-type: none"> • The permeant habitat area is stable or increasing, subject to natural process. • Distribution of habitat is stale or increase, subject to natural processes. • Conserve the following community types in a natural condition: Intertidal reef community complex; and Subtidal reef community complex. • Porpoise range within the site should not be restricted by artificial barriers to site use. • Human activities should occur at levels that do not adversely affect the harbour porpoise community at this site.
South Dublin Bay SAC [000210]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets: The permeant habitat area is stable or increasing, subject to natural processes. Maintain the extent of the <i>Zostera</i> - dominated community, subject to natural processes. Conserve the high quality of the <i>Zostera</i> -dominated community subject to the natural processes. Conserve the following community type in a natural condition: Fine sands with <i>Angulus tenuis</i> community complex.

Special Protection Areas (SPA)	
Baldoyle Bay SPA [004016] South Dublin Bay and River Tolka Estuary SPA [004024] Ireland's Eye SPA [004117] Howth Head Coast SPA [004113]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation interest for this SPA.
North Bull Island SPA [004006]	The maintenance of habitats and species within the Natura 200 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.
Malahide Estuary SPA [004025]	The maintenance of habitats and species within the Natura 200 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level <i>Objective 1:</i> To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for Malahide Estuary SPA. <i>Objective 2:</i> To maintain the favourable conservation condition of the wetland habitat at Malahide Estuary SPA as a resource for the regulary-occurring migratory waterbords that utilise it.

Potential for Likely Significant Effect

- 12.11. The submitted screening report notes the location of site within an urban area with no direct hydrological pathway to any of the European Sites. No habitats associated with any species listed as SCIs of the European sites are identified on the site. Inland fisheries Ireland has made a submission in relation to the impact of the development on the surface water system and the capacity of the local infrastructure capacity.
- 12.12. In relation to surface water it is noted that all waters will enter an attenuation system. Runoff will be controlled at a rate of 2 l/s to a public system passing along Grange Road, Baldoyle. The design of the surface water treatment takes into account the scale and nature of the proposed development, i.e. a housing development of moderate size which will be constructed and operated in accordance with standard environmental features associated with a residential development, it is not considered that the proposed development would have potential to have a significant impact on the water quality (and hence various qualifying interests) of the Dublin Bay marine habitats.

12.13. In relation to the foul effluent it is noted that the foul will be discharged via the foul drainage network and public sewer which passes through the site. The Inland Fisheries Ireland submission notes the discharge of the wastewater to the Ringsend Wastewater treatment plant which they consider is overloaded and therefore the proposal is premature until the upgrade is commissioned. The Ringsend WWTP is currently operational under an EPA licence from 2007, subsequently amended. This licensing process is subject to its own Appropriate Assessment. The proposed development generates minor foul loading equivalent (232 no. bed spaces) in comparison to the current capacity of the Ringsend WWTP is 1.64million PE (www.water.ie). The additional loading into the WWTP is not significant with regards the operation of this plant and I note any foul waste generated from the proposed development is so slight there will have no significant impact on the conservation objectives of any Natura 2000 sites in the Dublin Bay. Irish Water in their submitted report has indicated no issues with regard to wastewater infrastructure and I note the connection of the development to wastewater infrastructure is subject to agreement with Irish Water.

AA Screening Conclusion

12.14. The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss, fragmentation or any other direct impacts. It is not considered that the proposed development would have any potential for a negative impact on the conservation objectives of the following Natura 2000 sites, or any other site:

- Baldoyle Bay SAC [000199]
- North Dublin Bay SAC [000206]
- Malahide Estuary SAC [000205]
- Ireland's Eye SAC [002193]
- Howth Head SAC [000202]
- Rockabill to Dalkey Island SAC [003000]
- South Dublin Bay SAC [000210]
- Baldoyle Bay SPA [004016]

- North Bull Island SPA [004006]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- Malahide Estuary SPA [004025]
- Ireland's Eye SPA [004117]
- Howth Head Coast SPA [004113]

12.15. I consider it is reasonable to conclude that, on the basis of the information on the file including the AA screening report and all of the planning documentation submitted by the applicant, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Environmental Impact Assessment (EIA)

13.1. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

13.2. The proposed development is for 122 bedrooms (232 bed spaces) for shared accommodation/ built to rent on a site 0.195ha. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

13.3. The applicant submitted an environmental assessment including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

- Characteristics of Proposed Development
- Location of Proposed Development
- Types and Characteristics of Potential Impacts

13.4. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening and landscape details and I have therefore completed a screening assessment as set out in Appendix A.

13.5. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

The conclusion of this assessment is as follows:

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands zoned to protect and provide for residential uses and community infrastructure uses in the Dublin City Development Plan 2016-2022,
- c) The existing use on the site and pattern of development in surrounding area;
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the preliminary Construction & Environmental Management Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

14.0 Conclusion and Recommendation

14.1. The site is located on the outer ring of Dublin City and is not directly or indirectly connected to any areas of employment. The 2018 guidelines for Sustainable Urban Housing: Design Standards for New Apartments provide clarity that the use of co-living/ shared accommodation as an alternative to conventional apartments should be based on evidence to accommodate a specific housing need, in particular the need to cater for particular employee accommodation. The applicant has failed to provide any evidence to suggest that this location is necessary or indeed satisfactory to support the proposed development. Furthermore, the inclusion of car parking on site and the absence of supporting communal facilities means the proposal does not comply with the requirements of Specific Planning Policy Requirement (SPPR) 9 and therefore is not the optimal design solution for residential development on this site.

14.2. Therefore, I recommend that permission be **refused** for those reasons and considerations detailed below.

15.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 09th of September 2020 by Hughes Planning and Development Consultants on behalf of Platinum Land Ltd.

Proposed Development:

The development will comprise of:

- The demolition of the existing single storey structure on site (c.37.65m²);
- The construction of a build-to-rent shared -living residential development, accommodating a total of 122 no, shared accommodation units (232 no. bedspaces in total), in a five to eleven storey building;
- 23 no car parking spaces and 184 no bicycle spaces;
- All other associated works.

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.

15.1. Reasons and Considerations

1. Having regard to the location of the site, the Board is not satisfied that, given the lack of any major employer within the area, limited public transport provisions and its location away from the city centre, that the shared living can be accommodated at this location, and considers that city centre and town or major employment centre locations as outlined in *the Sustainable Urban Housing: Design Standards for New Apartments 2018*, are the most appropriate locations for shared accommodation developments. These locations offer residents of such schemes a wide range of social and physical infrastructure, amenities, a range of public transport opportunities as well as concentrations of employment. The proposed development would not be consistent with the transport strategy of the Dublin Transport Authority. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The standard of accommodation proposed is considered sub-standard taking particular account of the absence of sufficient communal amenity areas and the number of north facing single aspect units. It is considered that this substandard form of development which result in a significant negative impact on the residential amenity of future occupants. The proposal would be

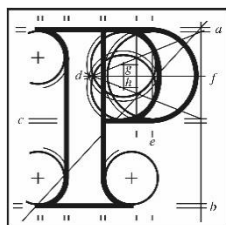
contrary to Specific Planning Policy Requirement 7 and Specific Planning Policy Requirement 9 of *the Sustainable Urban Housing: Design Standards for New Apartments 2018*, which require shared accommodation proposals to be accompanied by supporting communal and recreational amenities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The applicant has failed to meet the development management criteria as set out in Section 3.2 of the Urban Development and Building Heights Guidelines and therefore a Material Contravention for increase height under Section 37 of the Planning and Development Act 2000 (as amended) is not considered appropriate.

Karen Hamilton
Senior Planning Inspector

08th of December 2020

Appendix A: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-308134-20
Development Summary		Demolition of existing structure on site, construction of 122 no. Build To Rent/ shared accommodation apartments and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dublin City Development Plan 2016-2022
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the removal of an small decommissioned pump station and construction of residential units on lands zoned residential and community in keeping with the residential development in the vicinity.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a residential building which is not considered to be out of character with the pattern of development in the surrounding town.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in an increase in residential bed spaces by 232 which is considered commensurate with the development of a Dublin City..	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Stand alone development, with minor developments in the immediately surrounding area.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No conservation sites located on the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No features of landscape, historic, archaeological or cultural importance could be affected.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to protect and provide for residential uses and community infrastructure uses in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Preliminary Construction and Environmental Management Plan .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ Karen Hamilton

Date: _____ 01st of December 2020